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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,569	12/10/2001	Kazuo Iwai	1422-0508P	3472

2292 7590 07/22/2002

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EXAMINER
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OLSZEWski, JOAN M

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/006,569	Applicant(s) IWA, KAZUO	
	Examiner Joan M. Olszewski	Art Unit 3643	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*Paul*

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the graphs are too dark and are difficult to read. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: on page 1, line 9 "of" needs to be omitted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 2 and 5, in lines 3 and 2 respectively the term "and /or" makes the scope of the claim unclear.

Re- Claim 10 the statement "a method for producing poultry meat" fails to further limit the claims it depends from since the previous claims are all directed to a method of sterilizing poultry meat, thus making the scope of the claim unclear.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurschner et al. (U.S. Patent 5,632,676) in view of Nishimoto et al. (U.S. Patent 6,165,964).

Regarding Claims 1 and 10, Kurschner et al. disclose a method of sterilizing poultry meat (Abstract) comprising the step of subjecting the poultry meat to a contact treatment with a solution during the poultry processing for the production of poultry meat. Kurschner et al. do not teach the use of the contact treatment being a hinokitiol solution. However, Nishimoto et al. teach the use of an aqueous antibacterial solution of hinokitiol for disinfection purposes (Abstract) for use in food factories (column 9, lines 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made by modifying the antibacterial solution of Kurschner et al. by substituting the antibacterial solution hinokitiol as taught by Nishimoto et al. to sterilize poultry meat during processing, since in doing so one is merely replacing one well known disinfecting agent for another. Further, these two solutions would have been art-recognized equivalents and well within the level of ordinary skill in the art.

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Re- Claim 2, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the contact treatment is carried out at least in one step in the poultry processing comprising plural treatment steps (column 2, lines 19-25)(Kurschner et al.) as well as in one interval between consecutive two steps in the treatment steps (column 3, lines 26-32)(Kurschner et al.).

Re- Claim 3, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the treatment step is selected from the group consisting of an evisceration step, a chilling step, and a wrapping step (column 1, lines 12-57)(Kurschner et al.).

Re- Claim 4, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the contact treatment occurs in the interval between the evisceration step and the chilling step (column 3, lines 26-32)(Kurschner et al.).

Re- Claim 5, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the contact treatment is carried out in the chilling step as discussed above in claim 4 as well as in the wrapping step (column 1, lines 48-54)(Kurschner et al.). Further, examiner maintains the treating of the carcass at any point along the processing steps would be a matter of convenience in the overall processing stream and it would be obvious to treat at any point in these processing steps depending upon design constraints and cost concerns.

Re- Claims 6, and 7, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the concentration of hinokitiol in the

solution is from 1-50000 ppm (column 8, lines 54-60)(Nishimoto et al.); and wherein the aqueous hinokitiol solution has a PH of 4 to 11 (column 11, lines 45-47)(Nishimoto et al.).

Re- Claim 8, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the contact treatment is carried out at a temperature of 0° to 70° C (column 3, lines 26-32)(Kurschner et al.).

Re- Claim 9, the combination of Kurschner et al. and Nishimoto et al. discloses all the claimed features including wherein the contact treatment is accomplished by a method consisting of applying a coat (column 3, lines 42-48)(Kurschner et al.), or spraying (column 3, lines 26-27)(Kurschner et al.), or immersion (column 3, lines 28-29)(Kurschner et al.). Although the references do not address rubbing the solution onto the poultry the examiner maintains that the solution would be rubbed into the surface of the poultry whenever contact is made with the skin surface.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brockington et al. U.S. Patent 4,667,370 disclose a process for butchering poultry including a disinfecting stage.

van den Nieuwelaar et al. U.S. Patent 5,178,890 disclose a method for improving the bacteriological quality of slaughtered poultry.

Dickson U.S. Patent 5,520,575 discloses a method for reducing contamination of animal carcasses during slaughtering.

Anderson et al. U.S. Patent 5,980,375 disclose a method and apparatus for antimicrobial treatment of animal carcasses.

Dobbs et al. U.S. Patent 6,083,463 disclose a food process chiller tank with a disinfection system.

Sugawara et al. JP402190141A discloses a disinfecting sterilizing aqueous solution for treating edible meat.

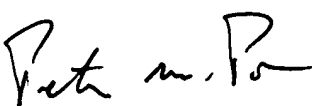
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan M. Olszewski whose telephone number is 703-305-2693. The examiner can normally be reached on Monday-Friday (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Joan M. Olszewski  
Examiner  
Art Unit 3643

JMO  
July 18, 2002

  
PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 6000